

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

CHRIS BARNARD, JOLENE FURDEK,  
and RENE REVILLA, Each Individually  
and on Behalf of All Others Similarly  
Situating,

Civil Action No. 3:17-CV-02650-N

Plaintiffs,

v.

FUSION LOGISTICS, INC.,  
FUSION LOGISTICS, LLC,  
PEI OHIO, INC., and PREMIUM  
TRANSPORTATION STAFFING, INC.

Defendants.

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**ORDER GRANTING JOINT MOTION FOR CONDITIONAL CERTIFICATION**

On January 31, 2019, the Plaintiffs and Defendants Fusion Logistics, Inc. and PEI Ohio, Inc. (the Parties), filed their Joint Motion for Conditional Certification, For Approval and Distribution of Notice and for Disclosure of Contact Information. The parties advise the Court that the first step in their settlement plan is to obtain the Court's order certifying the proposed class and approving the contents of the notice to the putative class members and the consent notice.

The parties have agreed on the scope of the class, the contents of the notice to the putative class members of their right to join the settlement, the manner in which said notice will be delivered to those individuals, and the contents of the consent notice to be filed by any putative class member who wishes to opt-in to this civil action. The parties have also agreed on the time periods material to the opt-in process. For these reasons, it is hereby

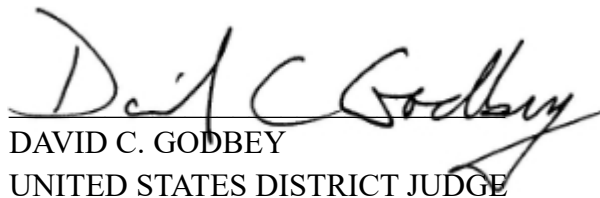
ORDERED AND ADJUDGED that the joint motion is GRANTED. The scope of the class is defined as, each individual who was hired prior to March 11, 2018, by Fusion and/or PEI to work at the Farmer's Branch, Texas location as a "driver," and who worked over forty hours in

at least one workweek in which the driver received a non-discretionary bonus. The class excludes drivers hired on or after March 11, 2018.

The Notice of Right to Join Settlement attached to the joint motion as Exhibit 1 (Notice of Rights) is approved, as is the Consent to Join Collective Action Settlement (Consent Notice) attached to the joint motion as Exhibit 2. Defendants shall provide Plaintiffs' counsel with the names and last known home addresses of the putative class members within in fourteen (14) business days of the date of this Order. Plaintiffs shall have fourteen (14) days from the receipt of the names and addresses to begin to distribute the approved Notice of Rights by mail, and the putative class members shall have sixty (60) days from the first day of the distribution of the Notice of Rights to file their respective Consent Notice (Opt-in Period). It is further

ORDERED AND ADJUDGED that all other pending motions are denied as moot. This civil action will remain open for the parties to execute their settlement plan. If all the parties have complied with the terms of the settlement plan within forty-five (45) days after the expiration of the Opt-in Period, then they shall file the appropriate dismissal papers. Otherwise, the parties shall file a joint status report no later than forty-five (45) days after the expiration of the sixty-day opt-in period. The joint status report shall advise the Court whether a dispute over the settlement plan has arisen, and if not, the period that the parties reasonably believe is required to comply with the settlement and dismiss the action. The Court retains jurisdiction to resolve any disputes pertaining to the terms of the parties' settlement.

SIGNED February 12, 2019.

  
DAVID C. GODBEY  
UNITED STATES DISTRICT JUDGE

Agreed:

/s/ Josh Sanford  
Attorney for Plaintiffs

/s/ Paul Penichet  
Attorney for Fusion Logistics, Inc.

/s/ Mark Katz  
Attorney for PEI Ohio, Inc.